1933

Department of Land Settlement

OFFICE Bd. of Land Settlement

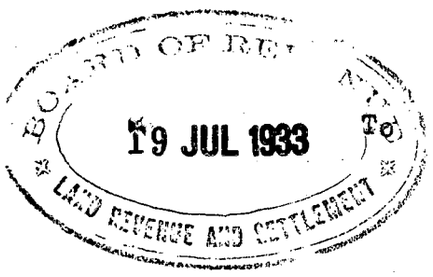
STATION Mesa

Mis No. 2502.
2502

Dated 9-9-33

From

E. M. Gawne, Esquire, I.C.S



To

The Secretary to the Board
Land Revenue & Settlement,
M a d r a s.

Panchayats - Forests - Katipalla - Mangalore Taluk Disreservation of a portion - recommended.

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I submit herewith a draft notification in English and Kanarese for the disreservation of 40.20 acres out of the Katipalla Panchayat Forest. The necessary sketches are also enclosed.

2. The portion now proposed to be excluded is hatched red in the sketches. It forms kumaki to the adjoining kadim lands which stand registered in the name of the Swamier of the Shirur Mutt. Though it was wrongly included in the Panchayat area it has ever since continued to be in the enjoyment of the chalgeni tenants of the Mutt, and the Panchayat does not seem to have made any attempt to assert their authority over this portion until recently. During the latter part of 1931 some dispute arose between the panchayatdars and the tenants of the Mutt which culminated in a criminal complaint filed by the President of the Forest Panchayat under Sections 506 and 379 I.P.C., all the accused except one being the tenants of the Shirur Mutt. The accused were discharged by the Sub Magistrate in C.C.787/31 - a copy of the judgment is enclosed.

Soon after the judgment was pronounced the Swamier of Shirur Mutt applied to the Revenue Divisional Officer, Mangalore for the assignment of the land bringing to notice the mistaken inclusion of the kumaki land in the panchayat forest. On 7-11-1932 a similar petition was also filed before me in which the Swamier pleaded ignorance of the notification declaring the area to be reserved land. An enquiry was held and the Tahsildar recommended the disreservation of about 12.12 acres of kumaki land which was within the old enclosure put up by the Mutt and referred to in the judgment in C.C.787/31. The President of the Forest Panchayat had no objection to the disreservation of this extent as the existence of the kumaki land inside the forest area always caused hitches between the panchayat and the tenants of the Mutt. The Revenue Divisional Officer is however of opinion that the whole of the kumaki area should be disreserved.

4. In my opinion the kumaki claim of the Mutt has to be respected. It cannot be said that the Mutt has forfeited its claim by the fact of reservation inasmuch as the panchayat had failed to assert its authority over this area after the notification, while on the other hand it is the Mutt that has continued to enjoy the land as kumaki. In fact, the notification made no change whatever in practice in the relative position of the panchayat and the Mutt with regard to this kumaki land.

no fault of his, when it is seen that though it is a privilege it has more or less come to be looked upon by the people as a right enjoyed since a long time. The panchayat forest in this case is only for grazing and leaf cutting. The constitution of such a forest cannot be made use of to deprive wargdars of their kumaki. It is only a means of organising the better distribution of leaf cutting and grazing on land which is at the disposal of the Government. Kumaki land is certainly not at the disposal of the Government for such a purpose. How this kumaki area came to be included in the panchayat forest when the land was reserved in 1923 is not known. However, it is certain that when the land was recommended to be reserved in 1923, no enquiry was held whether it included any portion of the kumaki of the neighbouring wargdars. I therefore recommend that the whole area of the kumaki may be disreserved and the notification approved.

Your obedient servant,

No need to
approve specifically

Collector.

17.7

Notification regarding the disreservation of reserved land.

Under rule 5A of the general rules for the management of reserved and unreserved lands, i.e., the rules under section 26 of the Madras Forest Act V of 1882, the Collector of South Kanara hereby declares that the area, the boundaries of which are ~~are~~ described in the schedule below, together with the jack, mango, cashew, andipunar, kuntala, sarali trees and scrub jungle existing thereon, shall be disreserved from the Katipalla Forest Panchayat with effect from 1.9.1933.

ಮುಂಬೈ ಪ್ರೊವಿನ್ಸಿನಿಂದ ವಿರಹಿತ ಪಡಿಸಿದ್ದಾಗಿದೆ

ಸುರಕ್ಷಿತ ಪಡಿಸಿದ ವಡುರಕ್ಷಿತ ಪಡಿಸದ ನೆಲಗಳ
ಅನುಗುಣವಾಗಿ ಏರ್ಪಡಿಸುವ ಸಾಮಾನ್ಯ ಪ್ರಮುಖಗಳ ಮೇಲೆ ವಿ
ಕ್ರಮದ ಅಂಡ್ರೆ ಮುದ್ರಣ ಪ್ರೊವಿನ್ಸ್ ಲಿಮಿಟೆಡ್ (1883 ನೇ ಇಸ.
V ನೇ ಅಧಿನಿಯಮ 26 ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಏರ್ಪಡಿಸಿದ ಪ್ರ
ಗಳ ಪ್ರಕಾರ ದಕ್ಷಿಣ ಕನ್ನಡ ಜಿಲ್ಲಾ ಕಲೆಕ್ಟರರು 1938 ನೇ
ಇಸವಿ ನವೆಂಬರ ತಿಂಗಳ 1 ನೇ ತಾರೀಖು ಮಾಸ್ತಿಕು ಈ ಕೆಳಗಿನ
ನಮೂದಿಸಿರುವ ಗಣಿಗಳಲ್ಲಿಗಳಿಗೆ ಅಡಗಿರುವ ನೆಲಗಳನ್ನು ಅಲ್ಲು
ಗಳ ಹೂರುವ ಹಲಸು, ಮೂಲು, ಕಲ್ಲು, ಅಂಡಿ ಪುಡಾರು, ಕಂಟಾಲ,
ಸರ್ವೆ ಮಸ್ಕೆರಿ ಮುದ್ರಣಗಳ ಸಮೀಪ ನುರಕ್ಷಿತ ಪಡಿಸದ
ನೆಲದಿಂದ, ಅಂಡ್ರೆ ಚಾಪಿಯಲ್ಲಿ ಮೇಲಿರುವ ಪಂಚಾಲ ಚಾಪಿನಿಂದ
ವಿರಹಿತ ಪಡಿಸಿರುವುದಾಗಿ ಈ ಮೂಲಕ ನಿರ್ದೇಶನ ಕೊಟ್ಟಿದೆ.

Subject.

Panchayat Fund - (S. Kamara
- Rangalan TMC - kati patta ka
portion - Site reservation -
Proposal - Accepted

Panchayats – Forests – CS. Kanar
Mangalore Tk – Katipalla Kad
portion – Discussion

L 1228

To Assistant Secretary.

Please see the Collr's letter at pp 1-3 ref.

2/. The Collr's proposal to discuss a extent of 40.20 ac of Katipalla Kadu may be accepte

3/. The question whether the Collr is competent to cancel his own notification has/been referred to Govt The issue of final orders on this may lie over till the receipt of orders of Govt on the above reference.

for 27/7
27.7.93

To Assistant Secretary.

Ref: Member's query above

Katipalla Kadu is a reserved land declared as such under Rule 5-A of the rules under the Madras Forest Act in 1923.

for 29/7/93 29.7.93

To Assistant Secretary

Govt. have passed orders on 2 of
4 Draft Enbmitted.

29.9.39